

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

**UNITED STATES OF AMERICA** )

) Case No. 3:95CR00066

v. )

) **OPINION AND ORDER**

**HERMAN C. NEWMAN,** )

) By: James P. Jones

Defendant. )

) United States District Judge

*Herman C. Newman, Pro Se Defendant.*

The defendant, Herman C. Newman, a federal inmate, has filed a letter-motion that I construe as a motion seeking reduction of sentence. Newman was sentenced to 180 months imprisonment by this court in 1997. On June 23, 2008, I reduced Newman's sentence from 180 months to 150 months imprisonment pursuant to 18 U.S.C.A. § 3582(c) (West 2000) and the amendments to the crack cocaine guideline. Herman now requests that his sentence be further reduced because of the recent adoption of the Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372 (2010), which reduced the mandatory minimum sentences in relation to crack cocaine.

The motion must be denied. While the Fair Sentencing Act may apply to those defendants not yet sentenced as of the date of its enactment, *see United States v. Douglas*, No. 09-202-P-H, 2010 WL 4260221 (D. Me. Oct. 27, 2010), it does not

apply to Newman, who was sentenced in 1997. Moreover, the record shows that Newman did not receive a statutory mandatory sentence.

For these reasons, it is **ORDERED** that the motion (ECF No. 569) is DENIED.

ENTER: November 14, 2010

/s/ JAMES P. JONES

United States District Judge